

1 Q How did your investigation of Mr. Rosario's  
2 allegations begin?

3 A On May 19th of 2003, a co-investigator of  
4 mine, Sonya Aleman, received a telephone call  
5 from a unit officer in the medical unit  
6 stating that Rosario, Inmate Rosario,  
7 requested to speak with SID.

8 Q How did you learn that she had received that  
9 contact?

10 A She and I, our cubes were next to each other.  
11 I believe, but I don't recall that we both  
12 responded to the infirmary to speak to Rene  
13 Rosario.

14 Q Did you do that immediately?

15 A Yes.

16 Q Do you remember approximately what time that  
17 was?

18 A I believe my report says we received a call  
19 at ten minutes to 2, and about 2 o'clock we  
20 were up.

21 Q If we can, when I ask you a question like "do  
22 you remember what time it was," if you can  
23 answer from your memory as opposed to what  
24 your report says, I'd appreciate that. I'm

1 not asking you what your report says. I'm  
2 asking what you recall. If you say you need  
3 to look at something to refresh your  
4 recollection --

5 A I know we went up immediately after the phone  
6 call.

7 Q What did you do when you got to the medical  
8 area?

9 A We responded to the desk. We had to check  
10 in, responded to the rear of the medical unit  
11 where they housed people who were staying in  
12 the medical unit, checked in with the unit  
13 officer. We were directed to Inmate  
14 Rosario's cell. We spoke to him inside his  
15 cell.

16 Q What was he wearing when you spoke to him?

17 A I believe he had a uniform on.

18 Q What was his status, if you know, in the  
19 medical unit at that time?

20 A I believe he was on medical observation  
21 status.

22 Q Was it known as MOA?

23 A I believe he wasn't at that time. He was MOB  
24 at that time.

1                   Again, I think I've said consistently  
2                   that the part where Inmate Rosario offered  
3                   information summarizing his alleged assault  
4                   is the part of the summary of the true and  
5                   accurate summary of events.

6           Q     Do you know how long the interview with  
7                 Mr. Rosario took?

8           A     No, I don't.

9           Q     Did there come a later point at the end of  
10                May when you interviewed Miss Porter?

11          A     We interviewed her two times.

12          Q     And the second time, how long did that  
13                 interview take?

14          A     I don't recall.

15          Q     Give me your best estimate sitting here.

16          A     Maybe 15, 20 minutes.

17          Q     Is it longer or shorter than this interview  
18                 of Mr. Rosario?

19          A     I recall this being long because -- Rosario's  
20                 being long, because initially he had refused  
21                 to talk to us. We took two sets of  
22                 photographs. This was much longer. Rene  
23                 Rosario's interview was much longer.

24                         (Document marked Exhibit No. 6.)



1 when the document was actually prepared?

2 A My typical practice is to type my reports  
3 after -- within that day or the day following  
4 my interviews.

5 Q If you go down to the middle of the report,  
6 am I reading accurately the sentence that  
7 said, "Meekins stated that the only injury he  
8 observed was a bruise on R's left bicep"?

9 A That's correct.

10 Q Is that what Meekins said to you?

11 A That's what I can recall. I don't recall  
12 necessarily what he said to me, but that's  
13 what I put in my report following our  
14 interview.

15 Q Was that consistent with your observations of  
16 the injuries?

17 A I observed three light marks on his left  
18 bicep and one up on his shoulder.

19 Q Meekins stated that the only injury he  
20 observed was a bruise on R's left bicep. I  
21 take it then his observations were not  
22 accurate as far as you were concerned?

23 MS. CAULO: Objection.

24 A Well, that was his observation.

1 Q Is this the first interview that you had with  
2 Miss Bringola?

3 A Yes. Let me again say the date is the date  
4 that I printed, because that automatically  
5 changes once the date is printed.

6 Q Is this the interview where it's your memory  
7 she mentioned taking his shirt off?

8 A I know specifically that the second time I  
9 spoke to her that she said she removed his  
10 shirt or had him remove his shirt.

11 Q Does this memo accurately reflect what she  
12 told you on the 19th?

13 A Again, it's a summary. Yes, it accurately  
14 reflects what she told me.

15 Q What she told you at the time was that she  
16 had observed a contusion, bruise, on his left  
17 bicep; is that right?

18 A Yes, but it also says that Rosario complained  
19 of pain to his left arm and shoulder.

20 Q While there was complaints about the  
21 shoulder, she made no observations of any  
22 injuries on the shoulder?

23 A She stated that she observed a contusion,  
24 bruise to his left bicep.

1 Q In your investigation of the allegations by  
2 Rene Rosario, did you interview Mrs. Porter?

3 A Yes.

4 Q How many times?

5 A Twice.

6 Q When was the first time?

7 A May 22nd, I believe, 2003.

8 Q What were the circumstances of that  
9 interview?

10 A We were in the medical unit making copies of,  
11 I believe, the medical record at the time,  
12 and Miss Porter was also in the medical unit  
13 and intimated that she knew about Rene  
14 Rosario or knew why we were there.

15 Q When you say intimated, what did she say to  
16 you and what did you say to her?

17 A I don't recall. Just that she knew why we  
18 were here, to talk to Rene.

19 Q Did she initiate the conversation or did you?

20 A I believe she did.

21 Q Who was present when she initiated this  
22 conversation?

23 A Investigator Aleman.

24 Q And yourself?



1 A No --

2 Q Let me make the record clear.

3 A I'm sorry.

4 Q Was the way in which she approached you the  
5 factor that triggered in your mind that she  
6 was a possible person who had spoken to the  
7 FBI?

8 A No, it wasn't the way that she approached us.  
9 It was some of the words that she had said,  
10 that she knew about Rene's history.

11 Q What did she say?

12 A She and Rene had had a history; she knew he  
13 wore a wire for the Feds.; he tells  
14 everybody. She said she's heard it from  
15 others and himself; Rene has a big mouth  
16 about telling people that.

17 Q These are things she's indicating to you on  
18 the 22nd?

19 A I believe it was, yes.

20 Q Those are the things that made you conclude  
21 that it was Mrs. Porter that had communicated  
22 with the FBI?

23 MS. CAULO: Objection.

24 A Again, my focus at the time was trying to

1 Q Did you have any conversation --

2 MS. CAULO: Objection. Did you finish  
3 your answer?

4 THE WITNESS: Our second interview with  
5 her on the 28th.

6 Q Who, if anyone, did you discuss the topic of  
7 whether Miss Porter had provided information  
8 to the FBI with during the time period,  
9 May 19th to May 28th?

10 A I believe there was one instance I spoke to  
11 Assistant Deputy Superintendent Jacobs just  
12 prior to our interview with Nurse Porter on  
13 the 28th.

14 Q Did you speak to Miss Aleman about it?

15 A I don't recall.

16 Q Well, did you go into the interview on the  
17 28th with Miss Aleman not knowing that that  
18 was going to be a topic?

19 A I think she did know.

20 Q What's your basis for thinking she knew?

21 A I think prior to the interview I was going to  
22 ask Nurse Porter whether she was the one who  
23 telephoned the FBI.

24 Q And you discussed that with Miss Aleman?



1 A I believe I told her that we were going to  
2 ask that, yeah.

3 Q Of course, that's not what you actually  
4 asked, is it?

5 A What do you mean?

6 Q You didn't ask the straightforward question  
7 to Miss Porter in the interview on the 28th  
8 as to when did she call the FBI?

9 MS. CAULO: Objection.

10 A I asked did she know when Krista Snyder from  
11 the FBI was contacted.

12 Q But you didn't ask Miss Porter about  
13 Miss Porter's conduct, did you?

14 A What do you mean?

15 Q You asked about when Miss Snyder was  
16 contacted; you didn't ask her the same  
17 question you said that you and Miss Aleman  
18 discussed that you were going to ask, did  
19 you?

20 MS. CAULO: Objection.

21 A I don't recall how I phrased my question to  
22 Investigator Aleman at the time just prior to  
23 the interview.

24 Q So you don't recall what you said?

1           whether Captain Scoby made any threats to  
2           Rene Rosario.

3                       (Document marked Exhibit No. 9.)

4           Q     Mr. Dacey, I put before you what's marked as  
5                 Exhibit No. 9 and ask you if you recognize  
6                 that document.

7           A     Yes.

8           Q     What do you recognize that to be?

9           A     It's the report we received from Nurse Porter  
10                on May 28th, 2003.

11          Q     Now, we'll see whether Ellen objects to the  
12                form of the question, but there are various  
13                versions of this document that has been  
14                produced. There is one that has a Bates  
15                stamp on the top. Do you know which version  
16                of the report or what form the top of the  
17                report was in when you and SID received it?

18          A     I don't know right now.

19          Q     Do you know if anyone at SID was responsible  
20                for date stamping the report?

21          A     I don't. It was not me. I don't know.

22          Q     Do you know if someone in SID stamped it  
23                confidential?

24          A     I don't know.

1 actual report or not.

2 Q Do you personally, Mr. Dacey, have any reason  
3 to believe that the date of May 19th, '03, on  
4 this report is not accurate?

5 A Do I have any reason to believe that it's not  
6 accurate?

7 Q Correct.

8 A I don't know when Nurse Porter wrote this  
9 report. I find it strange that, had she  
10 written it on the 19th, that she didn't turn  
11 it over that day or shortly thereafter.

12 Q Regardless of whether you find it strange or  
13 not, do you have any reason to believe that  
14 that date, May 19th, on this report is not  
15 the date that the report was written?

16 A Again, I believe my recollection is, when I  
17 first talked to Nurse Porter on the 22nd and  
18 she said that she had a report, my  
19 recollection was that she had it on her home  
20 computer. When it came in as handwritten, I  
21 didn't know whether it had been written that  
22 day or on the 19th. I did not know.

23 Q I had previously asked you about the entirety  
24 of your conversation with Miss Porter on the



1 22nd. Was this something in addition to what  
2 you previously had told us that she had told  
3 you on the 22nd?

4 A This is what I recall now from remembering  
5 our conversation on the 22nd.

6 Q Was it she told you she had it on her  
7 computer at home or on her computer table at  
8 home?

9 A On her computer. I took it to mean that she  
10 was typing something up.

11 Q Have you ever received reports from anyone in  
12 the medical unit that have been typed up  
13 reports?

14 A I don't recall of any.

15 Q So you have no recollection of ever receiving  
16 one, and that would have been unusual?

17 A I also didn't expect it to be --

18 MS. CAULO: Objection. You may answer.

19 A I find nothing to be. We get reports typed  
20 and written. I can't recall a certain time  
21 that there were some reports written or typed  
22 from the medical department. I'm not a  
23 hundred percent sure. I also find it odd, if  
24 it was at home on a home computer that it

1 Q You said that you thought it was strange that  
2 it was on the form that it was on. That was  
3 because she had stated to you that she was  
4 doing it on the computer?

5 A No, because she said she didn't put anything  
6 in the medical record, because she observed  
7 Rosario informally through the door of his  
8 cell.

9 Q When did she tell you that?

10 A I believe it was our first interview.

11 Q On the 22nd?

12 A I believe. It could have been the later  
13 interview, but I believe it was the 22nd. I  
14 think she told us on both occasions that she  
15 viewed him through the cell door, not made a  
16 personal observation. By personal, I mean,  
17 made a formal medical observation of  
18 Inmate Rosario.

19 Q How was Miss Porter notified that she was to  
20 speak to you on the 28th?

21 A Again, I don't recall.

22 Q Did she come to your office alone or with  
23 someone?

24 A I believe alone.

1 Q When I say to your office, describe to me  
2 where this interview occurred.

3 A In our SID office interview room on the first  
4 floor of the facility.

5 Q Describe the interview room to me.

6 A Dimensions-wise?

7 Q Please.

8 A Maybe a 10-by-10 room, a table in the middle,  
9 three chairs around the table, telephone,  
10 doors on each end.

11 Q Windows?

12 A No windows.

13 Q Clock?

14 A No clock. There might be a clock on the  
15 phone. I'm not sure.

16 Q Were you present when Mrs. Porter arrived in  
17 the room?

18 A I don't recall.

19 Q Did you conduct the interrogation of  
20 Miss Porter?

21 MS. CAULO: Objection.

22 A My recollection is that it was an interview,  
23 and I don't recall whether I conducted it or  
24 whether both Sonya and I or Sonya -- excuse



1 questions regarding someone's observations  
2 regarding an incident.

3 (Document marked Exhibit No. 10.)

4 Q I'll show you what has been marked as  
5 Exhibit 10 and ask you if you recognize it.

6 A I do.

7 Q What do you recognize to it to be?

8 A Memo written by Investigator Sonya Aleman  
9 outlining our second interview of  
10 Nurse Practitioner Sheila Porter on May 28th,  
11 2003.

12 Q Did you write this document, or is this  
13 Investigator Aleman's version of what  
14 happened?

15 MS. CAULO: Objection. You may answer.

16 A Investigator Aleman wrote this document.

17 Q Did you read and agree with what was in this  
18 report?

19 A I did.

20 Q Turning to the third sentence, it says, "The  
21 purpose of this interview was to have a  
22 follow-up conversation in regards to her  
23 written account regarding the IMR/Rosario  
24 incident."

1 Did I read that accurately?

2 A Yes.

3 Q I take it that was not the sole purpose of  
4 the interview?

5 MS. CAULO: Objection.

6 A That was our intent at that time, yes.

7 Q So the conversation you had with Mr. Jacobs  
8 where he said why don't you see if Sheila  
9 will say it and you acknowledging that you  
10 would inquire into it, that was not a purpose  
11 of the interview, the it being her contact  
12 with the FBI?

13 MS. CAULO: Objection.

14 A I said I think Nurse Porter might have been  
15 the one who contacted the FBI, and he said,  
16 well, see if she'll tell you in there. He  
17 wasn't instructing me to. I wasn't sure at  
18 that point whether I was definitely going to  
19 ask that question or not. It was a  
20 curiosity.

21 Q After the interview occurred and you read  
22 this report, do you believe it's fair and  
23 accurate to say that the sole purpose, the  
24 purpose, of the interview was to have a

1 the same question as to Miss Mastrorilli, did  
2 you or anyone else speak to her in connection  
3 with the investigation of Rene Rosario's  
4 allegations and Mrs. Porter's reporting?

5 A I did not, and I don't know whether anyone  
6 else did.

7 Q Without reference to your report, what do you  
8 remember Miss Porter saying to you about her  
9 contact with Miss Jurdak?

10 A I didn't have a recollection until I reread  
11 Sonya's report.

12 Q Do you have a recollection now, or is it just  
13 whatever the report says?

14 A What's in the report is my best memory.

15 Q Do you have any specific memory independent  
16 of that interview with Miss Porter that day  
17 beyond what's in this report?

18 A I have some specific memory, sure.

19 Q What do you recall about it?

20 A I recall that she came down. It was a  
21 cordial interview. We discussed what she had  
22 learned from Rosario, what she had observed  
23 from Rosario, whether she had any knowledge  
24 about any threats Rosario was alleging had



1           been made, our questioning about whether she  
2           had contacted the FBI.

3           Q     Do you have a specific memory of that  
4           questioning?

5           A     Yes.

6           Q     Who asked the question?

7           A     I did.

8           Q     What did you say?

9           A     I said words to the effect "do you know when  
10          Krista Snyder was contacted".

11          Q     You knew the answer to that question, didn't  
12          you?

13          A     I did not know the answer to that question.  
14          I didn't know when Krista Snyder had been  
15          contacted.

16          Q     Why was that relevant to your investigation?

17          A     It was a curiosity question honestly.

18          Q     So it wasn't relevant; it was just curiosity?

19          A     Strictly curiosity.

20          Q     So you were asking questions of a contract  
21          employee for the Sheriff's Department that  
22          were not relevant to your investigation?

23                 MS. CAULO: Objection. You may answer.

24          A     Again, it was toward the end of my interview.

169

171

1 Q Why did she need an opportunity to explain  
2 that to you?  
3 A That was my choice of words. We asked her  
4 just to elaborate; that's all.  
5 Q Who did you speak to with the FBI?  
6 A Krista Snyder.  
7 Q Did you call her?  
8 A Yes.  
9 Q And what did you say to her, and what did she  
10 say to you?  
11 A I don't recall. I think the basis was, hi,  
12 Krista, I understand you spoke to Stan  
13 Wojtkonski; I'm investigating the Rene  
14 Rosario allegations; is there any information  
15 I can give you; is there any information I  
16 should know. That's about it.  
17 Q Did you ask her who had contacted her from  
18 the jail?  
19 A I don't recall. I think I asked her how she  
20 learned of it. She said she received a phone  
21 call.  
22 Q Did you ask her who?  
23 A I don't think I did.  
24 Q Why not?

1 A Rene was a different animal. He was a tough  
2 person to interview at that point. He was  
3 all over the place with his descriptions. It  
4 made it a difficult investigation.  
5 Q Did you ask Rene if he had talked to the FBI?  
6 A I don't recall. I think I said that at the  
7 outset.  
8 Q What, if anything, did Miss Snyder say to you  
9 in that telephone conversation?  
10 A It was very brief. I don't recall whether  
11 she said anything other than she received a  
12 phone call and there is no information she  
13 needed from me.  
14 Q In your experience as an investigator with  
15 the District Attorney's Office of Suffolk  
16 County, have you dealt with informants and  
17 cooperating witnesses?  
18 A Cooperating witnesses at the District  
19 Attorney's Office; informants now at the  
20 Sheriff's Department.  
21 Q If someone were to inquire of you in your law  
22 enforcement capacity as to the identity of  
23 someone who had provided the information, is  
24 it your practice to disclose that?

170

172

1 A Again, I'm not sure whether I did or not. I  
2 honestly can't recall.  
3 Q You were surely as curious then as you were  
4 later, right?  
5 A As to who?  
6 Q Were you not curious then?  
7 A I was curious as to why the FBI was asking  
8 about the Rosario investigation.  
9 Q Weren't you curious as to who had talked to  
10 them at that point?  
11 A I didn't hear that.  
12 Q Weren't you curious as to who had talked to  
13 them at that point?  
14 A It was early on in the investigation. I  
15 think we had just only interviewed Rene at  
16 that point. We hadn't interviewed anybody  
17 else. We didn't have a lot of information.  
18 I knew that Rene had been involved with  
19 the FBI based on his first meeting with us on  
20 the 19th. So I wasn't sure at that point  
21 whether Rene had contacted them or anyone  
22 else had.  
23 Q Did you ever ask Rene if he had contacted  
24 them?

1 A No.  
2 Q Would you have expected Miss Snyder to have  
3 disclosed that?  
4 A No.  
5 Q So your effort was to inquire and find  
6 another way to find out information that you  
7 knew the folks at law enforcement were not  
8 going to tell you?  
9 MS. CAULO: Objection.  
10 A No, like I said, my conversation was to offer  
11 any information she needed, because I wasn't  
12 sure why she was looking into our  
13 investigation, if I could be of any  
14 assistance with providing whatever  
15 information I had already received from Rene  
16 Rosario and if she needed anything she could  
17 contact me. It was very cordial. It was  
18 very brief.  
19 She stated that she had received the  
20 phone call. That was it. I asked her how  
21 she found out about it. That's all I said.  
22 Q Subsequent to that, your efforts to determine  
23 from Miss Porter whether she had spoken to  
24 the FBI were an effort to obtain information